

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 3:94-CR-46-7H

UNITED STATES OF AMERICA,

v.

CHARLES EDWARD HERRING,

Defendant.

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ORDER

I. Motion for Copies

This matter is before the court on defendant's motion for copies of his sentencing transcript. Defendant alleges he has no funds and requests that the court send him copies free of charge.

The docket sheet in this action shows that on May 9, 1995, defendant was sentenced to a term of imprisonment of 480 months by the court. On February 8, 2016 defendant was granted a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2).

Federal inmates are not entitled to documents and materials at government expense for collateral attacks on their convictions, absent some showing of a particularized need. United States v. MacCollum, 426 U.S. 317, 326-27 (1976); United States v. Gallo, 849 F.2d 607 (Table), 1988 WL 60934, at *1 (4th Cir. May 31, 1988) ("Copies of transcripts and court records may be provided to an indigent litigant at government expense upon a showing by the litigant of a particularized need."). "An indigent is not entitled to free copies 'merely to comb the record in the

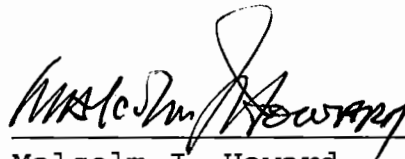
hope of discovering some flaw.'" Gallo, 1988 WL 60934 at *1 (quoting United States v. Glass, 317 F.2d 200, 202 (4th Cir. 1963)).

Defendant has not shown a particularized need for a transcript. The clerk is directed to inform defendant of the cost of obtaining the requested documents, should he so desire. For the foregoing reasons, defendant's motion [DE #640] is DENIED.

II. Motion to Modify Sentence

Also before the court is defendant's motion to modify sentence [DE #641]. Finding insufficient cause, the motion is DENIED.

This 29th day of May 2018.

A handwritten signature in black ink, appearing to read "Malcolm J. Howard", is written over a horizontal line.

Malcolm J. Howard
Senior United States District Judge

At Greenville, NC
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